

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Physician Hospitals of America and Texas Spine  
& Joint Hospital, Ltd.,

Plaintiffs,

v.

Kathleen Sebelius, in her official capacity as  
Secretary of the United States Department of  
Health and Human Services,

Defendant.

Civil Action No. 6:10-00277-MHS

**MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF AMICUS BRIEF**

Gilbert Hospital LLC moves for leave to file a short reply in support of its amicus brief. In its Response, the government made the factual assertion that Gilbert Hospital is, or at some point was, a member of plaintiff Physician Hospitals of America (“PHA”). The apparent intent behind this assertion was to challenge the need for the Court to consider Gilbert Hospital’s amicus brief, or to cast doubt upon the credibility of that brief.

But the government was wrong. Gilbert Hospital is not now, and never has been, a member of PHA. The reply brief proves this.

RESPECTFULLY SUBMITTED this 22nd day of February, 2011.

/s/ Scott M. Bennett

James J. Belanger (admitted *pro hac vice*)

Scott M. Bennett (admitted *pro hac vice*)

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 22, 2011, I caused a true and correct copy of the foregoing document to be filed and served upon counsel of record electronically by means of the Court's CM/ECF system.

/s/ Michelle T. Gallegos